

§ 3515.22

(a) Subject to leasing under the authorities of this part; and

(b) Acceptable to both you and BLM as a lease tract containing a deposit of leasable or hardrock minerals of equal value to your existing rights.

§ 3515.22 What if the lands to be exchanged are not of equal value?

If the lands are not equal in value, either party may equalize the value by paying money to the party receiving the property of lesser value. Such payments may not exceed 25 percent of the total value of the land or interest transferred out of Federal ownership. The parties may mutually agree to waive the monetary payment, if the Secretary determines that:

(a) A waiver will expedite the exchange;

(b) The public interest will be better served by the waiver than by the payment; and

(c) The amount to be waived is no more than 3 percent of the value of the lands being transferred out of Federal ownership, or \$15,000, whichever is less.

LEASE EXCHANGE PROCEDURES

§ 3515.23 May BLM require me to submit additional information?

Yes. You must be willing to provide geologic and economic data we need to determine the fair market value of your preference right or lease to be relinquished.

§ 3515.25 Is BLM required to publish notice or hold a hearing?

Yes. After you and BLM agree on the lands for exchange, we will publish a notice of the proposed exchange in the *FEDERAL REGISTER* and in a newspaper(s) in the county(s) where the lands involved are located. The notice will include:

(a) The time and place of a public hearing(s);

(b) Our preliminary findings that the exchange is in the public interest; and

(c) A request for public comments on the merits of the proposed exchange.

§ 3515.26 When will BLM make a decision on the exchange?

After the public hearing and consideration of public comments, we will determine whether issuance of the ex-

43 CFR Ch. II (10–1–08 Edition)

change lease is in the public interest. If it is, we will then process the exchange. If not, we will cancel the exchange.

§ 3515.27 Will BLM attach any special provisions to the exchange lease?

Yes, the lease terms will contain a statement that you quitclaim and relinquish any right or interest in your preference right lease application or lease exchanged.

Subpart 3516—Use Permits

§ 3516.10 What are use permits?

Use permits allow you to use the surface of lands not included within your permit or lease to help you develop the mineral deposits. You may only get a use permit during the life of your permit or lease, and only for unentered, unappropriated, BLM-administered land. Use permits are not prospecting permits.

§ 3516.11 What kinds of permits or leases allow use permits?

Use permits are issued only in support of phosphate and sodium permits and leases. For phosphate permits and leases, BLM may issue you a use permit to use up to 80 acres. For sodium leases, use permits are limited to no more than 40 acres.

§ 3516.12 What activities may I conduct under a use permit?

Phosphate use permits authorize you to conduct activities to properly extract, treat, or remove the mineral deposits. Sodium use permits authorize you to occupy camp sites, develop refining works and use the surface for other purposes connected with, and necessary to, the proper development and use of the deposits.

§ 3516.15 How do I apply for a use permit?

You must file three copies of your application in the BLM office administering the lands you are interested in. There is no specific form required. Include the filing fee for a use permit found in the fee schedule in § 3000.12 of this chapter and the first year's rental.

Bureau of Land Management, Interior

Pt. 3580

Calculate the rental in accordance with § 3504.15 of this part.

[64 FR 53536, Oct. 1, 1999, as amended at 72 FR 50888, Sept. 5, 2007]

§ 3516.16 What must I include with my application?

You must agree to pay the annual charge identified in the permit, and provide the following information:

- (a) Specific reasons why you need the additional lands;
- (b) A description of the lands applied for;
- (c) Any information demonstrating that the lands are suitable and appropriate for your needs; and
- (d) Evidence that the lands are unoccupied and unappropriated.

§ 3516.20 Is there an annual fee or charge for use of the lands?

Yes. You must pay the annual \$1 per acre rental, or \$20, whichever is greater, on or before the anniversary date of the permit.

§ 3516.30 What happens if I fail to pay the annual rental on my use permit?

Your use permit will terminate automatically if you fail to pay the required rental within 30 days after we serve you with a written notice of the rental requirement.

Subpart 3517—Hardrock Mineral Development Contracts; Processing and Milling Arrangements

§ 3517.10 What are development contracts and processing and milling arrangements?

Development contracts and processing and milling arrangements involving hardrock minerals are agreements between one or more lessees and one or more other persons to justify large scale operations for the discovery, development, production, or transportation of ores.

§ 3517.11 Are permits and leases covered by approved agreements exempt from the acreage limitations?

Hardrock mineral permits and leases committed to development contracts or processing or milling arrangements

approved by BLM are exempt from state and nationwide acreage limitations. We will not count them toward your maximum acreage holdings. However, individual hardrock mineral leases committed to a development contract or lease may not exceed 2560 acres in size.

§ 3517.15 How do I apply for approval of one of these agreements?

No specific form is required. Submit three copies of your application to the BLM office with jurisdiction over some or all of the lands in which you are interested. Include the following information:

- (a) Copies of the contract or other agreement affecting the Federal hardrock mineral leases or permits, or both;
- (b) A statement showing the nature and reason for your request;
- (c) A statement showing all the interests held in the area of the agreement by the designated contractor; and
- (d) The proposed or agreed upon plan of operation for development of the leased lands.

§ 3517.16 How does BLM process my application?

- (a) We will consider whether the agreement will conserve natural resources and is in the public interest.
- (b) Once the agreement is signed by all the parties, we may approve it.

PART 3580—SPECIAL LEASING AREAS

Subpart 3581—Gold, Silver, or Quicksilver in Confirmed Private Land Grants

Sec.

- 3581.0-3 Authority.
- 3581.1 Lands to which applicable.
- 3581.2 Who may obtain a lease.
- 3581.3 Application for lease.
- 3581.4 Leases.
- 3581.4-1 Lease terms.
- 3581.4-2 Rate of royalty; investment determined.
- 3581.4-3 Lease form and execution.
- 3581.5 Bond.

Subpart 3582—National Park Service Areas

- 3582.0-3 Authority.
- 3582.1 Other applicable regulations.
- 3582.1-1 Leasable minerals.
- 3582.1-2 Hardrock minerals.